

ences between the two, either as to parties, or subject of controversy, as in the cases under consideration, other reasons and principles apply.

It has been said, that where an injunction had been refused by the Chancellor, it could not be granted by a County Court upon the same case; or the reverse. This opinion seems to be sufficiently well founded, if referred to a case in which the first bill is actually depending at the time when the second application is made to the co-ordinate Court; or where, on hearing of the parties, or by default, the one Court has refused or dissolved the injunction upon the same case, in which an injunction is asked for in the other Court. Because, if all that had been done in the one Court, was to go for nothing in the other, a party might in every instance, as a matter of course, avail himself of all the delay to be had in the one Court, and then take advantage of the identical same means of procrastination in the other Court, after a solemn judgment had been pronounced there upon his case, without resorting to the regular course of setting that judgment right. *Reynolds v. Pitt*, 19 Ves. 138.

But an injunction is, in its effects and consequences, in many respects, analogous to a prohibition. The object of an injunction is to protect the citizen from harm, by acting upon the person complained of. The same object is, in many instances, intended to be accomplished by a prohibition, which acts immediately upon the inferior tribunal; *Eden Inj.* 3; a party may apply to each one of the Superior Courts, in succession for a prohibition; and his *ex parte* application having been refused by one, is of itself, no ground for its being rejected by any other of them. *Smart v. Wolff*, 3 T. R. 340; *Forum Rom.* 55. I therefore do not see why, upon the same principles, a citizen might not be allowed to take his chance, by a first *ex parte* application of obtaining an injunction from each one of the Courts having jurisdiction of his case, in like manner, as he is allowed to apply to each one for a prohibition, without prejudice from having been refused by another of them; particularly as the Statute 4 Ann. C. 16, s. 22; *Kitty Rep.* 247; does not require an injunction * bill to stay waste or proceedings at
603 law, to be filed before the subpoena is issued. *Williams v. Hall*, 1 Bland, 193, note.

Under our Government, the Federal Courts and the State Courts have, in many instances, a concurrent jurisdiction; and either may have cognizance of the case, either as a Court of common law or of equity. If the plaintiff and the defendant be citizens of different States, the suit may be brought in either; but if the suit be instituted in a State Court, its proceedings will not be stayed by an injunction from a Federal Court; or the reverse; not because the Court has no jurisdiction of such a subject between those parties; but because it could not exercise its jurisdiction in that case, with-